



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Mr. Allen David
Riopharm USA, Incorporated
17150 Newhope Street, Suite 1005
Fountain Valley, CA 92708

WATER QUALITY CERTIFICATION FOR PROPOSED RIOPHARM RESIDENTIAL PROJECT – TRACT 48321 & 48901 PROJECT (Corps’ Project No. 2004-01356-AOA), LIBERTY CANYON CREEK TRIBUTARY TO LAS VIRGENES CREEK, CITY OF AGOURA HILLS, LOS ANGELES COUNTY (File No. 05-077)

Dear Mr. David:

Regional Board staff has reviewed your request on behalf of Riopharm United States of America Incorporation for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 12, 2007.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant’s responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original Signed By]
Deborah J. Smith
Interim Executive Officer

June 5, 2007
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California’s water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Katherine Patey
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

Dave Smith
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Natasha Lohmus
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Aaron Allen
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Eric Raffini
U.S. Environmental Protection Agency
600 Wilshire Boulevard, Suite 1460
Los Angeles, CA 90017

Ken Berg
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

Project Information
File No. 05-077

1. Applicant: Allen David
Riopharm USA, Inc.
17150 Newhope Street, #1005
Fountain Valley, CA 92708

Phone: (714) 540-9200
2. Applicant's Agent: Ms. Katherine Patey
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

Phone: (818) 879-4700 Fax: (818) 879-4711
3. Project Name: Riopharm Residential Project – Tract 48321 & 48901
4. Project Location: Agoura Hills, Los Angeles County
- | <u>Longitude</u> | <u>Latitude</u> |
|------------------|-----------------|
| 118.7321 ° | 34.1397° |
| 118.7346 ° | 34.1364 ° |
| 118.7312 ° | 34.1378 ° |
| 118.7304 ° | 34.1387 ° |
| 118.7333 ° | 34.1381 ° |
| 118.7328 ° | 34.1371 ° |
| 118.7308 ° | 34.1382 ° |
| 118.7312 ° | 34.1392 ° |
| 118.7327 ° | 34.1389 ° |
| 118.7339 ° | 34.1373 ° |
| 118.7336 ° | 34.1368 ° |
| 118.7320 ° | 34.1375 ° |
5. Type of Project: Residential Development
6. Project Purpose: To provide 28 units of residential housing

ATTACHMENT A

Project Information File No. 05-077

7. Project Description:

The proposed Riopharm Residential Project (Project) will construct 28 residential units in a 13.13 acre lot located in the City of Agoura Hills on Tracts 48312 and 48901. The Project will develop 14 detached town-home units and 14 single family residential units, a recreational area, a public sidewalk adjacent to Agoura Road, and underground utilities and private and public roadways. To handle stormwater on the development, the project will include a debris basin, a retention basin, a velocity dissipater, various storm drains with inlets and outlets, concrete V-ditches and splash pads. Within the project site, 5.3 acres of the project will be dedicated to open space.

The proposed activities will discharge permanent fill material into 0.1237 acres of waters of the United States. Of this amount, 0.056 consists of non-wetland waters and 0.0677 acres are classified as wetlands.

There are two principal drainages on the site, a North-South drainage which bisects the site, and an East-West drainage which travels at the northern edge of the site, sometimes on site sometimes just north in the Agoura Road right-of-way. The Agoura Road right-of-way is within the project's construction easement.

The southern third (upstream) portion of the North-South drainage will be avoided (0.039 acres) and dedicated to the Santa Monica Mountains Conservancy.

The City of Agoura Hills is requiring that all urban and storm water flows upstream of the site, which enter the east-west drainage at the northwest corner be adequately conveyed in a new 72-inch underground storm drain that would outlet into a retention basin velocity dissipater on the northeast to correct an existing flooding problem on Agoura Road and within its future right-of-way (ROW) expansion area.

Installation of the new 72-inch underground storm drain would require removal of the existing 60-inch underground storm drain. At the terminus of the existing underground storm drain, a small wetland (the "upstream wetland segment") has formed that is approximately 60-feet in length. With the extension and replacement of the existing storm drain, this wetland would no longer be sustained by the existing upstream surface urban and

ATTACHMENT A

Project Information File No. 05-077

storm flows. Given its location within the City-required storm drain alignment and the future Agoura Road and sidewalk ROW expansion area, it would also be subject to excavation and fill for placement of the new 72-inch storm drain.

Flows from the upstream wetland segment enter a 100-linear-foot underground culvert. At the outlet of the underground culvert, a second small wetland has formed, which is also within the City-required storm drain alignment, and the future Agoura Road and sidewalk ROW expansion area.

From the eastern end of the upstream wetland segment, the channel extends westward and crosses into a part of the proposed project site which includes slope stabilization sites and an entrance access road. The need for remedial grading and flood protection renders avoidance infeasible at this location. Therefore, the upstream flows will continue to be contained in the proposed 72-inch underground storm drain and will outflow into a retention basin and velocity dissipater on the east side of the site.

- | | |
|--|--|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2004-01356-AOA) |
| 9. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 10. California Environmental Quality Act Compliance: | The City of Agoura Hills approved the project's Mitigated Negative Declaration in October 2006, and filed the Notice of Determination with the Los Angeles County Clerk on October 16, 2006. |
| 11. Receiving Water: | Liberty Canyon Creek tributary to Las Virgenes Creek (Hydrologic Unit No. 404.22) |
| 12. Designated Beneficial Uses: | MUN*, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET |

*Conditional beneficial use

ATTACHMENT A

Project Information File No. 05-077

13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.0677 permanent acres
Non-wetland waters (vegetated streambed): 0.056 permanent acres
14. Dredge Volume: 2600-3800 cubic yards
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The applicant shall install all appropriate exclusion fences and silt-screen fences to isolate the active construction areas from jurisdictional areas outside of the development footprint.
 - Clearing of all wetland or riparian vegetation will be restricted to the construction areas, and a qualified biologist will be present during grading and clearing.
 - The biologist will convey the limits of construction activity for all crew prior to any construction activity.
 - Vehicles and construction equipment will be periodically checked to ensure that there are no leaks or defective equipment.
 - Erosion control devices will be installed before construction activity and periodically inspected to ensure correct operation.
 - Five day storm-event weather forecasts will be implemented. Equipment, materials, and debris from channel will be removed in the event of predicted storms.
 - Appropriate measures will be taken for stockpiled materials.
 - Fill/spoil sites will be located away from drainage areas.

ATTACHMENT A

Project Information File No. 05-077

- Construction debris, soils, vegetation, or any material from construction or any associated activity will not be placed or deposited outside the designated construction foot-print.

16. Proposed
Compensatory
Mitigation:

The applicant proposes to provide an in-lieu mitigation fee payment to the Santa Monica Mountains Conservancy at a 2:1 replacement ratio for impacts to the wetlands and vegetated streambed as described in Item 13 above. The applicant also proposes to dedicate 5.3 acres to the Santa Monica Mountains Conservancy of natural habitat on site.

17. Required
Compensatory
Mitigation:

The Applicant shall provide compensatory mitigation for impacts to jurisdictional wetland habitat (0.0677 permanent acres) at a minimum of 5:1 area replacement ratio for 0.3385 acres, and for impacts to vegetated streambed (0.056 permanent acres) the applicant shall provide mitigation at a minimum of 4:1 area replacement ratio for a total of 0.224 acres. The total minimum mitigation acreage will be, therefore, 0.7865 acres.

See *Attachment B, Conditions of Certifications, Additional Conditions*, (specifically Items 23 through 26 for mitigation requirements) for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 05-077

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the Water Quality Control Plan, Los Angeles Region (1994).
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

ATTACHMENT B

Conditions of Certification File No. 05-077

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

ATTACHMENT B

Conditions of Certification File No. 05-077

13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
17. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
18. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
19. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

ATTACHMENT B

Conditions of Certification File No. 05-077

20. All project or construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
21. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
22. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

ATTACHMENT B

Conditions of Certification File No. 05-077

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

23. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
24. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.0677 acres** within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **5:1** area replacement ratio (**0.3385 acres**). For impacts to **0.056** acres of vegetated streambed the applicant shall provide mitigation at a **4:1** area replacement ratio (**0.224 acres**). The mitigation site shall be located within the Malibu Creek Watershed unless otherwise approved by this Regional Board.
25. If the Applicant proposes funding to a third-party organization for the creation or restoration to meet the requirement of mitigation for a total of **0.3385 acres** of wetlands and **0.224 acres** vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Malibu Creek Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
 - (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)

ATTACHMENT B

Conditions of Certification File No. 05-077

(d) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

26. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
27. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Additional Condition 1;
 - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (j) A certified Statement of “no net loss” of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts; and
 - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
28. Prior to any subsequent maintenance activities within the subject drainages, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage condition and capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any

ATTACHMENT B

Conditions of Certification File No. 05-077

Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

34. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
35. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
36. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

ATTACHMENT B

Conditions of Certification

File No. 05-077

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
37. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.